

# ***Stanislaus National Forest Over-Snow Vehicle Use Designation Analysis***

## ***Frequently Asked Questions***

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### **What is the Stanislaus National Forest doing?**

The Stanislaus National Forest is undertaking the analysis required to comply with Subpart C - Use by Over-Snow Vehicles, of the Forest Service Travel Management Rule. The intent of this part of the rule is to designate National Forest roads, trails and areas where over-snow vehicles are allowed, restricted and prohibited on National Forest System Lands.

### **Why Here? Why Now?**

The project's goal is to designate over-snow vehicle use on the Forest to ensure that the use of over-snow vehicles is well managed to minimize impacts to natural resources to promote the safety of all users, and to minimize conflicts among the various uses.

The Code of Federal Regulations (36 CFR 212, Subpart C) will soon be revised to require the Forest Service to designate roads, trails, and areas on National Forest System lands that receive adequate snowfall for over-snow vehicle use to occur.

The Forest Service will evaluate its existing management of over-snow vehicle use to determine if there are site-specific issues that new management direction should address.

### **What is this analysis about?**

The Forest Service has begun an environmental analysis under the National Environmental Policy Act (NEPA) that will result in the designation of National Forest System roads, trails, and areas for over-snow vehicle use on the Stanislaus National Forest. After these roads, trails, and areas are designated for over-snow vehicle use, over-snow vehicle use not in accordance with these designations would be prohibited.

### **How can the public participate in the process?**

Public participation is essential for the project's success and in helping identify issues and concerns to be considered in the analysis.

Prior to initiating the NEPA process, the Lassen, Eldorado, Stanislaus, Tahoe and Plumas National Forests hosted public meetings in November 2014, to introduce the project and enhance public awareness of the associated NEPA process.

Currently the Forests are in various stages of scoping, analyzing comments and developing alternatives. The Stanislaus Proposed Action will be published in the Federal Register on June 26, 2015. This will be followed by a 45 day scoping period.

We will invite you to review the draft environmental impact statement, final environmental impact statement, and draft record of decision for each forest. During the objection period following the release of each draft record of decision, we will work with any objectors to attempt to resolve any objection issues before making a final decision. (This is because the project is subject to pre-decisional administrative review consistent with the Consolidated Appropriations Act of 2012 (Pub. L. 112-74) as implemented by subparts A and B of 36 CFR Part 218.)

Interested participants can be added to the Stanislaus mailing list by clicking on the Get Connected tab at <http://www.fs.usda.gov/project/?project=46311>

**Who will sign the decision to designate roads, trails, and areas for over-snow vehicle use?**

The Forest Supervisor of the Stanislaus National Forest will sign the decision.

**Who will produce the analysis?**

The Forest Service's TEAMS Enterprise Unit will complete the analysis in close coordination with the Forest Service resource specialists who work on the Forest and in the regional office. The TEAMS Enterprise Unit is a group of Forest Service employees who are experts in meeting the requirements of NEPA. They work on environmental analyses nationwide and are typically assigned to complete environmental analyses when local Forest Service units lack the sufficient staff or resources to complete the project. Local and regional Forest Service staff will review TEAMS' analyses before completion and finalization, and the Forest Supervisor will approve key checkpoints during the analysis process.

**What will the analysis cost?**

While a specific dollar figure for the entire analysis (including the support from staff at each forest and the regional office) has not been calculated, it is estimated that the work needed to complete the analysis for all five-forests, including all local, regional, and TEAMS staff is likely to cost between 1 and 2 million dollars, over the life of the project. This is based on the completion of five separate environmental impact statements over an approximate 3 year period.

**Besides designation of roads, trails, and areas, what other decisions will be made?**

Of the roads and trails designated for over-snow use, the Forest Service will identify snow trails where grooming for over-snow vehicle use will occur. The need for an analysis and decision on grooming stems from the 2013 Settlement Agreement between the Forest Service and Snowlands Network, Winter Wildlands Alliance, and Center for Biological Diversity (*Snowlands et al. v. U.S. Forest Service*, Case No. 2:11-cv-02921-MCE-DAD (E.D. Cal. August 26, 2013)).

The Forest Service agreed in the settlement to "complete appropriate NEPA analysis(es) to identify snow trails for grooming on the Plumas National Forest, Tahoe National Forest, Eldorado National Forest, Stanislaus National Forest, and Lassen National Forest."

**Didn't the State of California Off-Highway Motor Vehicle Recreation Division already analyze an OSV program on these forests?**

The State of California prepared an environmental impact report analyzing the program and the funding the Off-Highway Motor Vehicle Recreation Division provides for the Over-snow Vehicle Program under the California Environmental Quality Act. This Forest Service analysis covers Federal requirements under NEPA and is wider in scope.

**What types of vehicles will the Forest Service's over-snow route designations cover?**

These designations will only apply to the use of over-snow vehicles. An over-snow vehicle is defined in the Travel Management Rule as "a motor vehicle that is designed for use over snow and that runs on a track or tracks and/or a ski or skis, while in use over snow" (36 CFR §212.1).

Other types of motor vehicles that may operate over snow, but do not meet the definition of an over-snow vehicle, are already regulated.

**What types of uses will the Forest Service's over-snow route designations cover?**

The over-snow route designations will generally apply to all over-snow vehicle use where snowfall is adequate for that use to occur. However, the following uses will be exempt from this decision and the resulting prohibitions:

- 1) Limited administrative use by the Forest Service;
- 2) Use of any fire, military, emergency, or law enforcement vehicle for emergency purposes;
- 3) Authorized use of any combat or combat support vehicle for national defense purposes;
- 4) Law enforcement response to violations of law, including pursuit; and
- 5) Over-snow vehicle use that is specifically authorized under a written authorization issued under Federal law or regulations (proposed Subpart C rule at 36 CFR 212.81(a)).

**How are non-motorized uses going to be factored into the analysis?**

The analysis that the Stanislaus National Forest (as well as the Eldorado, Tahoe, Plumas, and Lassen, National Forests) is undertaking is confined to the analysis needed to designate over-snow vehicle use and formalize the system of groomed snow trails. This analysis is not a comprehensive winter recreation planning effort.

Once decisions are made for each forest, these would apply only to the use of OSVs on each forest. No designation of non-motorized trails or areas would result. Non-motorized winter recreational opportunities would be considered in the analysis, but only to the extent that requires analysis and disclosure of the effects of designating OSV uses and grooming on non-motorized recreational opportunities.

**What issues will the Forest Service consider in making this decision?**

We will consider the issues and concerns identified externally and internally during scoping, as well as any input we received prior to scoping during public open houses in November 2014. We will also consider potential effects on “National Forest System natural and cultural resources, public safety, provision of recreational opportunities, access needs, conflicts among uses of National Forest System lands, the need for maintenance and administration of roads, trails, and areas that would arise if the uses under consideration are designated; and the availability of resources for that maintenance and administration” (36 CFR §212.55(a)).

**Is there a potential for impacts to the Sierra Nevada yellow-legged frog from designation of over snow vehicle use?**

Based on information and a synthesis of the literature contained in the Federal Register Final Rule for the listing of the Sierra Nevada yellow-legged frog [Federal Register 79(82):24256-24310] and the Proposed Rule for Designation of Critical Habitat [Federal Register 78(80):24516-24574], over-snow vehicles and associated actions are not identified as a threat to the species or proposed critical habitat.

During the analysis we will continue to work with all resource specialists on the interdisciplinary team to evaluate the potential for over-snow vehicle impacts to resources, included wildlife species. When necessary, we will also consult with local, state and federal agencies, including the U. S. Fish and Wildlife Service, when appropriate to ensure any potential for impacts are considered in the analysis and minimized.

**What is the range of alternatives that the Forest Service will analyze in this process?**

The range of alternatives will depend on the issues and concerns raised by the public once they’ve had the opportunity to consider the Forest Service’s proposed action. The Forest Service considers an alternative as reasonable if it addresses the underlying purpose and need for action. We will base the need for action on site-specific issues that the Forest Service identifies when developing its proposed action.

The need for an analysis also stems from the 2013 Settlement Agreement between the Forest Service and Snowlands Network, Winter Wildlands Alliance, and Center for Biological Diversity (*Snowlands et al. v. U.S. Forest Service*, Case No. 2:11-cv-02921-MCE-DAD (E.D. Cal. August 26, 2013)).

**How is over-snow vehicle use currently managed on the Stanislaus National Forest and is it going to change?**

The following summarizes how the Forest Service currently manages OSV use on the 900,106 acres of NFS lands within the Stanislaus National Forest:

- Snowmobile travel is allowed anywhere there is 12 inches of snow or more.

- Approximately 58 miles of National Forest System groomed OSV trails exist (historically the Forest has groomed Highland Lakes Road 5.0 miles, an Alpine County road on the Calaveras Ranger District, these 5.0 miles are not included in this summary);
- The remainder of the Forest is open for cross country snowmobile use except Congressionally designated Wilderness and other special areas. During the development of the 1991 Stanislaus National Forest Land and Resource Management Plan, areas designated as Near Natural were intended to be managed as semi-primitive non-motorized; however they were never formally closed to OSV use. As a result, some of these areas have been used historically by OSV riders either due to proximity to other areas of use or the type of experience they offer. In some cases user groups have worked through conflict and agreed to subsequent adjustments in locations available for OSV including Round Valley on the Calaveras Ranger District and the Crabtree area near Dodge Ridge on the Summit Ranger District. Thus, approximately 532,696 acres of NFS lands are open to off-trail, cross-country OSV use. Some areas still remain unresolved including the Pacific Valley and portions of the Eagle/Night Near Natural Areas;
- Approximately 367,410 acres of NFS lands are closed to OSV use;
- There are two designated crossings of the Pacific Crest Trail from the Bridgeport Winter Sports Area south of Sonora Pass on the Humboldt-Toiyabe National Forest.

Any changes that are proposed to the Forest's current program will be the result of issues and concerns that are identified in pre-project planning and during the scoping phase of the project. We are looking to public input to help us develop the proposed action.

#### **Will the use of over-snow vehicles be allowed on the Forest after the decision is issued?**

Yes. The decision is expected to improve the management of over-snow vehicle and ensure that the health of the land is viable and sustainable over the long term.

#### **How will the public know which National Forest System roads, National Forest System trails, and areas on National Forest System lands will be open to over-snow vehicle use?**

After the decision is issued, the forest will publish an over-snow vehicle use map (OSVUM) that will show the over-snow vehicle use designations. This map will be available to the public at no cost on national forest websites and at local offices.

#### **How will "areas" open to cross-country over-snow vehicle use be defined?**

We will delineate boundaries of areas open to use by over-snow vehicles on the over-snow vehicle use maps. We will post these maps on national forest websites and make them readily available to the public at local Forest Service offices.

We recognize that over-snow vehicle use may occur across a broad landscape within large designated areas. Sufficient snow depth makes such cross-country use appropriate. When

properly operated and managed, over-snow vehicles do not make direct contact with soil, water, and vegetation.

**Why does the agency allow over-snow vehicle use on national forests and grasslands?**

Adequate snow cover enables winter recreation opportunities such as skiing, snowshoeing, and snowmobiling. Snowmobiles in particular are dependent on adequate snow depth so that the snowmobile can be operated properly and without harm to the natural and cultural resources. National forests and grasslands are established for use by the public for multiple purposes, which include a wide variety of recreation opportunities. Recreation is the most notable use of over-snow vehicles. However, for many people, the use of over-snow vehicles is part of their everyday life and allows them to access their property during the winter months.

**Can over-snow vehicles cause damage to soil and vegetation?**

Yes, if not properly operated or managed. It is important for adequate snow cover to be present for all winter recreation opportunities such as skiing, snowshoeing, and snowmobiling to avoid impacts to natural and cultural resources. With adequate snow and when properly operated and managed, over-snow vehicles do not make direct contact with soil, water, and vegetation and generally permanent trails are not created.

**Would the decision take away valid existing rights held by federally recognized tribal governments, counties, or private individuals, including treaty rights, other statutory rights, or private rights-of-way?**

No. The Forest Service will recognize valid existing rights in making designations at the local level.

**How does the over-snow vehicle analysis process relate to the process the Forest Service is required to complete under 36 CFR 212, Subpart A of the Travel Management Rule?**

Subpart A provides requirements for basic administration of the forest transportation system. This includes a requirement for identifying the needed minimum road system, as well as identifying unneeded roads. The first step of Subpart A is for each forest to complete the Travel Analysis Process (TAP). As a result of TAP a report will be published that includes the risks and benefits of forest roads, and will identify roads likely to be needed in the future and roads not likely to be needed in the future.

It is unlikely the TAP will be completed in time to have any recommendations included in the over-snow vehicle analysis. However, if there are recommendations from the TAP included in the over-snow vehicle analysis they will undergo proper environmental analysis and decision-making in accordance with NEPA.

**How does this process relate to the process for Subpart B of the Travel Management Rule?**

The region, including the Stanislaus National Forest, has already completed the designation process for motor vehicles as required by 36 CFR 212, Subpart B and a motor vehicle use map

has been published. Under Subpart C the same regulatory steps are followed to ultimately make NEPA decisions. However, there are differences between proposed Subpart C and Subpart B of the Travel Management Rule. The definition of “areas” is different for over-snow vehicle use and Subpart C does not require the prohibition of cross-country travel.